

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, November 18, 2003, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

THOMAS W. WILSON
CHAIRMAN
Fifth District

JAMES W. SILVA
VICE CHAIRMAN
Second District

CHARLES V. SMITH
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	James D. Ruth
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Susan Novak, Assistant

INVOCATION: Supervisor Smith, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Campbell, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Jim McConnell, Washington, DC Legislative Advocate, provided a legislative update

Chairman Wilson presented a resolution proclaiming November 2003 as "Grand Jury Awareness Month"

Karen Roper, County Homeless Programs Coordinator, presented a report regarding Education of Homeless Children and Youth and Chairman Wilson presented her with a resolution commending her for receiving a 2003 National Association for Education of Homeless Children and Youth Award for Distinguished service and leadership

II. CONSENT CALENDAR (Items 1-35)

31245 **APPROVED AS RECOMMENDED WITH THE EXCEPTIONS OF ITEMS 9, 10, 13 & 19
WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

S U M M A R Y A C T I O N M I N U T E S

BOARD APPOINTMENTS

1. **Supervisor Smith** - Orange County Water Task Force - Appoint Olga Gonzalez, Orange, for term concurrent with 1st District Supervisor's term office

Supervisor Norby:

2. Airport Commission - Appoint Stephen Bristol, Anaheim, for term concurrent with 4th District Supervisor's term of office
3. Airport Arts Commission - Appoint Marge Rollins, Buena Park, for term concurrent with 4th District Supervisor's term of office

DEPARTMENT APPOINTMENTS

4. **Health Care Agency** - Dental Health Advisory Board - Reappoint Rocio Nunez Magdeleno, Santa Ana, for term ending 10/25/04; and Suelene Chen, Huntington Beach; Harris Done, Anaheim; Sidney Field, Newport Coast; Dolores Ramos, La Habra; Theresa Flores, Santa Ana; Colleen McNamara, Santa Ana; Gladys Smith, Santa Ana, for terms ending 10/25/05 - All Districts

COMMENDATIONS/PROCLAMATIONS

5. **Supervisor Smith** - Adopt resolution recognizing Dora Rodriguez for her 20 years of service to Orange County Human Relations Commission
RESO: 03-349

Chairman Wilson:

6. Adopt resolution commending Jon Robertson for his tireless service as the 2003 BIA/OC President
RESO: 03-350
7. Adopt resolution commending Karen Roper on receiving a 2003 National Association for Education of Homeless Children and Youth Award for Distinguished Service and Leadership
RESO: 03-351

HOUSING AND COMMUNITY SERVICES DEPARTMENT

8. Approve Funding Formula Evaluation Task Force recommendations for Elderly Nutrition Program Older Americans Act funds - All Districts

9. Approve agreement with Laguna Woods for implementation and administration of Senior Transportation Program, 2/1/04 - 1/31/05 (\$112,500); renewable for one additional year (\$91,610) - District 5

35124 **APPROVED AS AMENDED DIRECTING DEPARTMENT TO REPORT BACK TO BOARD IN 6 MONTHS WITH STATUS REPORT**

10. Authorize submission of grant application to United States Department of Labor Employment and Training Administration for H-1B Technical Skills Training funds training for incumbent and dislocated workers (\$4.5 million); and authorize Director or designee to sign related documents - All Districts

13245 **APPROVED AS RECOMMENDED**

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11. Authorize submission of grant application to United States Environmental Protection Agency for 2004 Brownfield Job Training Grant (\$200,000); and authorize Director or designee to sign related documents - All Districts

INTEGRATED WASTE MANAGEMENT DEPARTMENT

12. Approve plans and specifications and set bid opening for 1/7/04, 2:00 p.m., for traffic routing improvements at Frank R. Bowerman Landfill; and make California Environmental Quality Act findings - District 3
13. Select Bryan A. Stirrat & Associates as primary and Butier as alternate firms to provide construction management services for Phase C2, Phase D1, and other construction projects at Prima Deshecha Landfill and other South Region Landfills; and authorize negotiation of agreement for Board approval - District 5
- 45123 **APPROVED AS RECOMMENDED**

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

14. Approve third amendment to lease with Waterfront Resort Properties, LP and Newport Dunes Marina, LLC for Newport Dunes Aquatic Park; and make California Environmental Quality Act findings - District 2
15. Adopt resolution certifying completion of public street improvements and street lights; authorizing release of securities; and accepting public street improvements, Tract 16104, Centex Homes, Ladera Ranch area - District 5
RESO: 03-352
16. Adopt resolution certifying completion of public street improvements and street lights; authorizing release of securities; and accepting public street improvements, Tract 16117, Standard Pacific Corp., Ladera Ranch area - District 5
RESO: 03-353
17. Authorize release of security for private street improvements, street lights and monumentation, Tract 16037, Lennar Homes Inc., Newport Coast area - District 5
18. Approve agreement D03-063 with Tettemer & Associates, Consulting Engineers for on-call flood control related services (\$200,000); authorize Director to extend agreement two additional years under certain conditions; and make California Environmental Quality Act findings - All Districts
19. Approve price agreement N1000005421 with Graffiti Control Systems for on-call graffiti removal services, 11/1/03 - 10/31/04 (\$23,000); renewable for two additional years - All Districts
- 41235 **APPROVED AS RECOMMENDED**
20. Approve plans and specifications and set bid opening for 12/17/03, 2:00 p.m., for asphalt overlay resurfacing of Magnolia Avenue, Stanton; and make California Environmental Quality Act findings - District 2
21. Receive bids and award contract to Pouk and Steinle, Inc. for construction of traffic signal system at Chapman Avenue and Nearing Drive (\$127,366.49), Stanton - Districts 1 & 2

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- 22 . Accept easement deed for emergency ingress and egress purposes from Centex Homes, Ladera Ranch area; and make California Environmental Quality Act findings - District 5
- 23 . Receive and file development fee deposit reports; and find deposits held more than five years be retained for future projects within specified fee programs - All Districts
- 24 . **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve agreement D03-055 with Ultrasystems Environmental Incorporated for on-call resource permitting services, one year term (\$200,000); authorize Director to execute two one-year extensions; and make California Environmental Quality Act findings - All Districts

PUBLIC PROTECTION

District Attorney:

- 25 . Approve grant award agreement with Department of Justice Office of Justice Programs for continued participation in Federal C-FIC Anti-Money Laundering Program, 10/1/03 - 9/30/04 (\$292,763); authorize District Attorney or designee to execute amendments under certain conditions; and make California Environmental Quality Act and other findings - All Districts
- 26 . Approve amended price agreement N1000005036 with California Films for photographic services, extending terms to 12/31/03 (\$10,500; new total \$60,000) - All Districts
- 27 . **Probation** - Approve amendment 8 to Special Use Permit with U.S. Department of Agriculture, Forest Services for continued occupancy of Los Pinos Conservation Camp, extending terms to 12/31/04; and make California Environmental Quality Act findings - District 5

Sheriff-Coroner:

- 28 . Approve price agreement N1000005520 with Siemens Building Technologies for energy management system maintenance and repair, 12/1/03 - 11/30/04 (\$34,004); renewable for four additional years (\$34,868 second year, \$35,756 third year, \$36,668 fourth year and \$37,616 fifth year) - All Districts
- 29 . Adopt resolution approving lease agreement with State Department of Forestry and Fire Protection to provide intermittent, call-when-needed helicopter services in wild land areas of Orange County, 11/8/03 - 11/17/04 - All Districts
RESO: 03-354
- 30 . Accept forfeited 1993 Cadillac STS and 1994 Honda Accord from Federal Drug Enforcement Administration and authorize payment of \$1,894.19 for reimbursement of Federal expenses - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

- 31 . Approve proposed amendments to the Conflict of Interest Code for the Health Care Agency - All Districts

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32. Approve proposed amendments to the Conflict of Interest Code for the Clerk-Recorder - All Districts

County Executive Office:

33. Approve amended County of Orange 457 and 3121 Defined Contribution Adoption Agreements and 401(a) Plan Schedules I - III to reflect eligible classifications for participation - All Districts
34. Receive and file Donated Space Agreements Report - All Districts
35. Approve amended Section 125 Plan Document and Attorney Section 125 Plan Document; authorize Assistant CEO/Human Resources to make any necessary changes to Section 125 Plan Document as required by the IRS - All Districts

END OF CONSENT CALENDAR

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III. DISCUSSION ITEMS (Items 36-S52A)

HEALTH CARE AGENCY

36. Approve agreements with Anaheim, La Habra and Santa Ana for Animal Care services, 7/1/03 - 6/30/04; and authorize Director or designee to extend agreements through 12/31/04 - Districts 1, 3, & 4
12345 **APPROVED AS RECOMMENDED**
37. Approve amended agreement with South Coast Children's Society (\$59,581 reduction; new total \$1,983,356); approve amendment 2 to agreements with Florence Crittenton Services of Orange County dba Crittenton Services for Children and Families (\$457,077; new total \$781,455), Hillview Acres (\$336,564; new total \$554,392) and Olive Crest Treatment Centers (\$1,507,113; new total \$2,476,429); and approve amendment 3 to agreements with Canyon Acres Children's Services (\$446,246; new total \$973,778) and Community Services Programs (\$278,783; new total \$457,497) for Mental Health Day Treatment Day Rehabilitation and Outpatient Programs for FY 2003-04 - All Districts
23145 **APPROVED AS RECOMMENDED**
38. Approve amendment 2 to agreements with Aspen Community Services (decrease \$889,253; new total \$3,576,613), Kinship Center (\$1,270,852; new total \$1,858,816), Latino Psychological & Social Services Corporation (\$1,303,287; new total \$1,994,109) and Pacific Clinics (\$1,228,777; new total \$1,690,038); approve amendment 3 to agreement with Western Youth Services, Inc. (\$6,583,432; new total \$10,072,848); and approve amendment 4 to agreement with Child Guidance Center, Inc. (\$2,717,752; new total \$4,258,292) for Mental Health Outpatient services, FY 2003-04 - All Districts
32145 **APPROVED AS RECOMMENDED**
X

HOUSING AND COMMUNITY SERVICES DEPARTMENT

39. Approve agreements with Rebuilding Together Orange County and St. Jude Medical Center for Older Americans Act Family Caregiver Support Program services and allocation to Social Services Agency Kinship Program, 11/18/03 - 6/30/04 (\$273,141; new total \$611,910) - All Districts
54123 **APPROVED AS RECOMMENDED**
X
40. Approve amended agreements with Garden Grove, Newport Mesa Unified School District, 7/1/03 - 6/30/04 and Orange County Conservation Corps, 10/1/03 - 6/30/04 for Out-of-School and In-School Youth Programs (\$92,301; new total \$651,777) - Districts 1, 2 & 4
24135 **APPROVED AS RECOMMENDED**
X
41. Approve agreements with Propath, Inc. (\$164,000) and Orange County Department of Education (\$67,200) for Technology-to-Teaching Project Initiative (total program \$64,000) - Districts 2 & 4
23145 **APPROVED AS RECOMMENDED**
42. Approve agreements with Coast Community College District/Coastline Community College for Orange County Telecommunications Project in northern and southern regions, 10/1/03 - 12/31/04 (\$979,172) - District 2
21345 **APPROVED AS RECOMMENDED**

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PUBLIC FACILITIES AND RESOURCES DEPARTMENT

43. Select program option for allocation of Proposition 40 (Resources Bond Act) grant funds (\$13.9 million) - All Districts (Continued from 10/28/03, Item 36)

14235 **MOTION FAILED TO CARRY TO DEFER ACTION ON THIS ITEM AND DIRECT STAFF**
NNN **TO REEVALUATE RECOMMENDED USE OF FUNDS TO ENSURE IT IS CONSISTENT**
 WITH INTENT OF PROP 40

53124 **APPROVED MOTION TO SELECT ALTERNATIVE 1**
N N

44. Approve agreement D03-067 with Huitt-Zollars for preparation of feasibility study, EIR and Project Report (\$1,304,830); approve amended agreement D02-035 with San Clemente; and approve MOU with San Clemente and San Juan Capistrano for La Pata Avenue Gap Closure and Phase 1 Del Rio Extension Project - District 5

52134 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

45. **Sheriff-Coroner** - Approve purchase order with Peck Road Truck Center for unbudgeted purchase of 2004 Ford Crew Cab Truck (\$38,713) - All Districts

21345 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

46. **County Counsel** - Authorize County Counsel to settle litigation in amounts not to exceed \$25,000; and report every three months to the Board all settlements made - All Districts

32145 **APPROVED REVISED RECOMMENDED ACTION PER COUNTY COUNSEL'S MEMO**
 DATED 11/17/03

County Executive Office:

47. Approve price agreement N1000005564 with Mercer Investment Consulting for investment consultant services for County's Defined Contribution Programs and Extra Help Employees Defined Benefit Plan, 11/19/03 - 11/18/06 (\$465,000); renewable for two additional years (\$155,000 per year) - All Districts

31245 **APPROVED AS RECOMMENDED**
X

48. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts

43125 **MOTION TO OPPOSE AB 710 OR ANY EXPANSION OF ORANGE COUNTY**
N A **TRANSPORTATION AUTHORITY BOARD**

49. **Acting as the Board of Supervisors and Orange County Flood Control District** - Adopt resolution authorizing Irvine to construct infrastructure improvement facilities in County Unincorporated Area of Assessment District 03-19 - District 3

B.O. **CONTINUED TO 11/25/03, 9:30 A.M.**

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Treasurer-Tax Collector:

50. Adopt resolution authorizing issuance of Anaheim Union High School District General
Obligation Bonds, Election 2002, Series 2003 (\$27,000,000) - Districts 2, 3 & 4
43125 **APPROVED AS RECOMMENDED**
RESO: 03-355
51. Adopt resolution authorizing issuance of North Orange County Community College District
General Obligation Bonds, Election 2002, Series 2002B (\$100,000,000) - Districts 2 & 4
B.O. **CONTINUED TO 12/9/03, 9:30 A.M.**
52. **Supervisor Campbell** - Discuss Strategic Financial Plan County Reserves Policy and Debt Capacity
Analysis
B.O. **DIRECTED CEO TO WORK WITH AUDITOR-CONTROLLER TO PREPARE POLICIES**
FOR BOARD ADOPTION ON COUNTY RESERVES AND DEBT CAPACITY AS
DESCRIBED IN SUPERVISOR CAMPBELL'S 11/5/03 MEMO
- S52A. **Supervisor Smith** - Adopt resolution commending La Quinta High School for 40 years of achievement
and service to the community
13245 **APPROVED AS RECOMMENDED**
RESO: 03-356

IV. PUBLIC HEARINGS (Items 53-54)

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

53. Public Hearing to consider adopting resolution approving revised fee schedule for Agricultural
Commissioner inspections, FYs 2003 - 05; rescinding Resolution 92-675; and make California
Environmental Quality Act and other findings - All Districts
B.O. **CLOSED PUBLIC HEARING**
- 13245 **APPROVED AS RECOMMENDED**
RESO: 03-357

PLANNING AND DEVELOPMENT SERVICES

54. Public Hearing to consider adopting resolution denying appeal filed by Ray Chandos, et al, and
upholding action of Subdivision Committee in approving Saddle Crest, Saddle Creek North and Saddle
Creek South Vesting Tentative Tract Maps 16053, 16054 and 16055, landowner Rudder Development
Corporation; and make California Environmental Quality Act findings - District 3 (Continued from
10/28/03, Item 44)
B.O. **CLOSED PUBLIC HEARING**
- 31245 **APPROVED AS RECOMMENDED**
RESO: 03-358

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V. CLOSED SESSION (Items CS-1-SCS-2)

GENERAL ADMINISTRATION

County Counsel:

- CS-1. Closed Session
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):
Number of Cases: One Case (Continued from 11/4/03, Item CS-1)
- B.O. **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 4 TO 1, SUPERVISOR NORBY VOTING AGAINST, APPROVED A PROPOSED SETTLEMENT IN THE CLAIM OF PRIMARE, INC. SETTLEMENT OF THE CLAIM INCLUDES AUTHORIZATION TO THE DIRECTOR, PFRD TO AMEND THE CONTRACT WITH PRIMARE, INC. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**
- SCS-2. Closed Session CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Glatzer v Chase Manhattan Bank, Glatzer, Orange County Department of Child Support Services and Thomason, United States District Court Case No. H-03-4471
- B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED CEO/RISK MANAGEMENT TO CONTRACT WITH THE LAW FIRM OF BROWN & SIMS TO REPRESENT THE COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES IN THE CASE OF GLATZER V. CHASE MANHATTAN BANK, ET AL.**

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

- Alma Ramirez - Oral Re: Harassment in Orange County
- Andrew Brooks - Oral Re: PDSD decision regarding trees blocking views in Charter Point
- Max Madrid and Staff Sgt. Truman - Oral Re: Toys for Tots
- Larry Laven - Oral Re: El Toro & JWA
- Darrell Nolte - Oral Re: Prop 172 funds and Orange County Fire Authority
- Bill Turner - Oral Re: LAFCO meeting on Irvine annexation of El Toro

BOARD COMMENTS:

None

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ADJOURNED: 1:20 P.M.

- 31245 Adjourned in memory of Eleanor Moore
- 21345 Adjourned in memory of Robert Lee Hatfield
- 12345 Adjourned in memory of Jane Gerber
- 51234 Adjourned in memory of Dawnelle Berndt

*** KEY ***

Left Margin Notes

- 1. = Supervisor Smith
- 2. = Supervisor Silva
- 3. = Supervisor Campbell
- 4. = Supervisor Norby
- 5. = Chairman Wilson

- A. = Abstained
- X. = Excused
- N. = No
- BO = Board Order

Right Margin Notes

- O. = Ordinance
- R. = Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

THOMAS W. WILSON, CHAIRMAN
Orange County Board of Supervisors

SUSAN NOVAK, ASSISTANT
Orange County Clerk of the Board